

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-30 are presently active; Claims 1, 6, 14, 19, 26, 27, and 30 having been amended,

In the outstanding Office Action, Claims 6-10 and 19-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 6-8, 11, 14, 19-21, 26-28, and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tse (U.S. Pat. No. 6,198,845). Claims 2-3, and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tse in view of Shirasawa (U.S. Pat. No. 5,689,590). Claims 4-5, 9-10, 17-18, 22-23, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tse in view of Kamo (U.S. Pat. No. 5,465,160). Claims 12-13 and 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tse in view of Motimore (U.S. Pat. No. 5,740,428).

Regarding the 35 U.S.C. § 112, second paragraph, rejection, Claims 6 and 19 have been amended to remove the words “and same” from the recitations therein. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown and requires that the identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. § 2143 requires for a *prima facie* case of obviousness that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

With respect to Claim 1, Tse discloses generating and compressing a histogram, followed by obtaining a standard deviation of the distribution curve of the compressed histogram, and then determining a gain factor based on the mean and standard deviation. The

background gray-level is determined based on the gain factor, and then the dynamic range of the document is adjusted based on the determined background gray-level.

Presently Claim 1 applies one or more types of image processing to image data, and applies image processing identical to the one or more types of image processing to the background level value that is separate from and not part of the image data. The background level value (having undergone such image processing) is then used to derive a threshold for use in noise removal.

Tse only discloses adjusting the dynamic range of the document based on the background gray-level, clearly failing to disclose or suggest applying such an adjustment to a background level value that is separate from and not part of the image data. Further, Tse is silent about the use of the background level value having undergone such image processing to determine a threshold.

With respect to independent Claims 14, 26, 27, and 30, the same argument applies to presently amended independent Claims 14 and 26 in which fails to disclose or suggest applying an adjustment to a background level value that is separate from and not part of the image data. Similar arguments of the same nature also apply in the case of independent Claims 27 and 30, with Tse failing to disclose or suggest applying image processing to a threshold level value that is separate from and not part of the image data.

With respect to independent Claims 12 and 24, these claims define a choice between the performing and non-performing of a background noise removal from scanned image data. Background noise removal is always performed in conventional scanners. Mortimore directed to an image database fails to disclose such a choice, and is devoid of the concept of background noise removal associated with a stopped scanner, as permitted in response to the instruction defined in Claim 12 of performing background noise removal. Tse does not teach such features either. Accordingly, a combination of Mortimore and Tse fails to teach or suggest the

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provision of a choice between performing and non-performing of a background noise removal in a scanner, as defined in independent Claims 12 and 24.

Thus, for the above reasons, it is respectfully submitted that independent Claims 1, 12, 14, 24, 26, 27, and 30 and the claims dependent therefrom patentably define over the art of record.

Finally, it is respectfully requested that the AA reference filed with the Information Disclosure Statement of March 4, 2002 be acknowledged by return of an initialed PTO 1449 Form. Attached herewith is the date-stamped filing receipt showing that all four references were submitted to the Patent and Trademark Office. Also attached is a courtesy copy of the filed IDS and the AA reference.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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Attachment: Date-stamped Filing Receipt for IDS of March 4, 2002, Courtesy Copy of filled IDS and U.S. Pat. No. 5,519,787